

NINTH DAY

(Wednesday, January 26, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Cousins

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Moore, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday was dispensed with and the Journal approved.

Senate Bills and Resolution on First Reading

The following bills and resolution were introduced, read severally first time and referred to the committees indicated:

By Senator Ashley:

S. B. No. 123, A bill to be entitled "An Act making certain emergency appropriations for the Court of Civil Appeals for the Third Supreme Judicial District; and declaring an emergency."

To Committee on Finance.

By Senator Harris:

S. B. No. 124, A bill to be entitled "An Act amending Sections 2, 3, 5, 10, 11, 12, 14 and 15 of Senate Bill 188, Chapter 115, Page 192, General and Special Laws of the Fiftieth Regular Session of the Texas Legislature, by striking out each of said sections and substituting in lieu thereof new

sections, so as to provide for the examination and licensing of master and journeymen gas fitters and to provide for the issuance of licenses without examination to master plumbers, journeymen plumbers . . ."

To Committee on State Affairs.

By Senator Harris:

S. B. No. 125, A bill to be entitled "An Act to amend Article 6268 of the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Harris:

S. B. No. 126, A bill to be entitled "An Act creating the Southwestern Medical College of the University of Texas; fixing its location; authorizing the Board of Regents of the University of Texas to accept on behalf of the State of Texas certain real, personal and mixed property in the City of Dallas; providing for the opinion of the Attorney General on the title to such property; constituting the Southwestern Medical College of the University of Texas a branch of the University of Texas . . ."

To Committee on Finance.

By Senator Hudson:

S. B. No. 127, A bill to be entitled "An Act appropriating the unexpended balance out of funds appropriated for use of the Pecos River Compact Commissioner in Senate Bill 17, Acts of the Fiftieth Legislature for use of said Pecos River Compact Commissioner for the biennium ending August 31, 1949; prescribing the method whereby funds therein appropriated shall be paid out of the State Treasury; providing that the Pecos River Compact Commissioner shall receive not to exceed Ten (\$10.00) Dollars per day for each day spent in the performance of his duties, plus actual and other necessary expenses; and declaring an emergency."

To Committee on Finance.

By Senator Hudson:

S. B. No. 128, A bill to be entitled "An Act creating a special road law for Reagan County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 20, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or

refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Morris:

S. B. No. 129, A bill to be entitled "An Act amending Chapter 75, Acts of the Regular Session of the 50th Legislature, pertaining to the Texas Municipal Retirement System; and providing for the lending of not in excess of \$50,000 to said System from the General Revenue Fund of the State of Texas, and making an appropriation therefor; and for repayment by the System of such advancement; declaring the Act to be severable; and declaring an emergency."

To Committee on State Affairs.

By Senators Strauss and Bell:

S. B. No. 130, A bill to be entitled "An Act relating to barbering in the State of Texas, including a need for protection of the Public Health and General Welfare, investing authority in the State Board of Barber Examiners to administer this Act, providing for an appeal to a court of competent jurisdiction, providing a saving clause, repealing all laws and parts of laws in conflict therewith to the extent of the conflict and declaring an emergency."

To Committee on State Affairs.

By Senator Bracewell:

S. B. No. 131, A bill to be entitled "An Act to provide for the admission in evidence in all courts of the State of Texas of certified copies of all official records of the Texas Prison System; providing a saving clause; and declaring an emergency."

To Committee on State Penitentiaries.

By Senator Aikin:

S. B. No. 132, A bill to be entitled "An Act providing for and regulating

appropriations for moneys in the State Treasury not otherwise appropriated to supplement local funds for the support, maintenance, operation, and improvement of the Public Junior Colleges of Texas as named in this Act; providing all funds allocated under the provisions of this Act with the exception of those necessary for paying the costs of audits as provided herein shall be used exclusively for the purpose of paying salaries of the instructional and administrative forces of the several Institutions; providing for an annual appropriation of Two Million Four Hundred Seventy-seven Thousand Dollars (\$2,477,000) for each of the fiscal years beginning September 1, 1949, and September 1, 1950, respectively, and for allocation thereof; determining the eligibility of a Public Junior College; defining the term "full-time student" and excepting certain students; providing for disposition of unused funds; providing no funds shall be paid to any institution under the provisions of the Act until payment has been approved by the State Auditor after he has audited the books and providing the cost of auditing the books for the institution shall be paid out of the funds allocated herein; and declaring an emergency."

To Committee on Finance.

By Senator Bell:

S. J. R. No. 3, Proposing an amendment to Article III of the Constitution of the State of Texas by addition of a new section to be known as Section 49-c, creating a Texas Water Conservation Projects Board and establishing a Texas Water Conservation Projects Revolving Fund; providing for an election and the issuance of a proclamation therefor.

To Committee on Constitutional Amendments.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
January 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Resolution:

H. C. R. No. 11, Granting each House permission to adjourn from

January 27, 1949, to Monday, January 31, 1949.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 21

Senator Phillips offered the following resolution:

Whereas, A situation exists concerning the oil industry of this State, which directly seriously affects and threatens the economical structure of this State; and

Whereas, The greatest problem that is facing the economy of this State and endangering its future revenue is the mounting importation of foreign crude oil; and

Whereas, The Railroad Commission of Texas in January, 1949, found it necessary to reduce the production of oil in Texas approximately ten (10%) per cent and again for the month of February, 1949, it was necessary for the Commission to reduce the allowable of crude oil in Texas another five (5%) per cent; and

Whereas, This fifteen (15%) per cent decrease in production below Texas wells' maximum efficient rate of production will cause Texas to lose Fifteen Million (\$15,000,000) Dollars per year in taxes from the production of crude oil; and

Whereas, There is today being brought into this country approximately 625,000 barrels of crude oil each and every day which imported oil has replaced Texas crude in the domestic market in this nation approximately 350,000 barrels per day; and

Whereas, The imports of foreign crude oil into this country can be expected to appreciably increase in this nation and in Texas, thereby further decreasing domestic demand; and

Whereas, It is apparent that unless remedial steps are taken by the proper authorities to arrive at a fair quota for foreign imports of oil, the oil industry in Texas will be not only seriously curtailed in its operations but further developments of Texas' greatest natural resource might come to a complete halt; and

Whereas, The nation's economy, welfare, and security require a policy on petroleum imports which will encourage exploration and development efforts in the domestic industry and

which will make available a maximum supply of domestic oil to meet the needs of this nation; and

Whereas, The operations of the schools of this State and other functions of State Government depend largely upon the continued development of our greatest natural resource for revenue; and

Whereas, The present alarming increase of importation of foreign crude oil is coupled with the sharp decline in demand for Texas crude oil is an immediate and pressing problem of concern to every person in Texas; and

Whereas, It is estimated that the present decline in demand for Texas crude will cause a drop in the Comptroller's estimate of 1949 covering expected revenue from oil production will amount to approximately Forty Million (\$40,000,000) Dollars; and

Whereas, The very structure of the economy of this State is seriously endangered; and

Whereas, Our national security depends largely upon the development of new domestic reserves of oil for use in order that this nation shall have ample domestic supplies of crude oil for use in time of war; now, therefore, be it

Resolved, That the Senate of Texas call this most dangerous condition affecting the people of Texas and Texas' greatest industry to the attention of the members of Congress, and that copies of this resolution be forwarded to the members of the Texas Delegation in Congress.

The resolution was read.

Senator Hazlewood moved to refer the resolution to the Committee on Oil, Gas and Conservation.

Senator Phillips moved to table the motion to refer.

Yeas and nays were demanded and the motion to table was lost by the following vote:

Yeas—5

Ashley	Kelly of Tarrant
Bell	Phillips
Kelley of Hidalgo	

Nays—25

Aikin	Corbin
Bracewell	Hardeman
Bullock	Harris
Carney	Hazlewood
Colson	Hudson

Jones	Proffer
Lane	Shofner
Lock	Strauss
Martin	Taylor
McDonald	Tynan
Moffett	Vick
Moore	Weinert
Morris	

Absent

Cousins

Question then recurring on the motion of Senator Hazlewood, to refer the resolution, it prevailed.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
January 26, 1949.

To the Members of the 51st
Legislature:

One of the many commendable actions of the 50th Legislature was the adoption of House Concurrent Resolution No. 48 creating a Committee to study and recommend ways and means of improving the public school system of Texas.

Under the terms of the Resolution, the Speaker of the House of Representatives (the Honorable W. O. Reed) appointed three (3) members of the House of Representatives and three (3) additional members of the Committee; the Lieutenant Governor (the Honorable Allan Shivers) appointed three (3) members of the Senate and three (3) additional members of the Committee; and the Governor appointed six (6) members.

These members were chosen:

Senator James E. Taylor, Kerens
Mr. H. W. Stilwell, Texarkana
Senator A. M. Aikin, Jr., Paris
Mr. C. B. Downing, Iraan
Mr. J. W. Edgar, Austin
Mr. Claude Gilmer, Rock Springs
Mr. Ottis Lock, Lufkin
Dr. H. A. Moore, Kerrville
Mr. Wright Morrow, Houston
Mr. J. C. Peyton, El Paso
Dr. B. F. Pittenger, Austin
Miss Nan Proctor, Victoria
Mrs. J. G. Smith, Commerce
Mrs. Rae Files Still, Waxahachie
Senator Gus Strauss, Hallettsville
Mr. R. L. Thomas, Dallas
Mr. Peyton L. Townsend, Dallas
Dr. R. J. Turrentine, Denton

To establish the character and the strength of this Committee, it is nec-

essary only to list these names. They are the names of members of the Legislature, long noted for devotion to public duty and for high standards of real statesmanship. They are the names of men and women who have devoted their lives to the cause of public education in this State. They are the names of business and professional men of the highest standing and respect in our State.

I do not hesitate to say that no Committee of similar purpose in the history of Texas could lay claim to greater intellectual capacity, more genuine sincerity of purpose and more commendable zeal in public service than this.

This Committee met, organized, took the name of "the Gilmer-Aikin Committee"—in tribute to the vision and enterprise of the Honorable A. M. Aikin and the Honorable Claud Gilmer—who sponsored the Resolution in the Senate and House respectively; and elected as its Chairman, the Honorable James E. Taylor, one of the most distinguished members of the Legislature which Texas has ever known, and, as its Vice-Chairman, Mr. Henry Stilwell, who has been identified with worthy efforts in behalf of public education in Texas throughout the years.

The Committee went quickly to work, organized into sub-committees, appointed for each sub-committee an advisory committee of fifteen (15) persons—selected because of their knowledge of the problem and ability to seek realistically and courageously the proper solution.

Subsequently, the study was carried yet closer to the people of Texas by the appointment of local advisory committees throughout the entire State—committees with active membership totaling 4,000 people.

For many months the Committee and its advisory groups have made an exhaustive investigation of our entire public school system, and have come forward with what history will doubtless term the most comprehensive study of Texas public schools which has ever been made.

The report has been submitted for your consideration.

In order that there may be no delay in the action on these important recommendations, I present, under authority of Section 5 of Article III of the Constitution, as subjects for emergency legislation, the matters in-

cluded in the bills which have been prepared to carry out the recommendations of the Gilmer-Aikin Committee, and I commend these proposals for your earnest consideration.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Bill Re-referred

On motion of Senator Vick, Senate Bill No. 42 was withdrawn from the Committee on Education and re-referred to the Committee on Civil Jurisprudence.

House Concurrent Resolution 11

The President laid before the Senate for consideration at this time, the following resolution:

H. C. R. No. 11, Granting each House permission to adjourn from Thursday, January 27, 1949, until Monday, January 31, 1949.

The resolution was read.

Senator Hardeman offered the following amendment to the resolution:

Amend H. C. R. No. 11 by changing "Thursday, January 27" to "Wednesday, January 26, 1949."

The amendment was adopted.

The resolution as amended was then adopted.

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time:

Senator Proffer submitted the following report:

Austin, Texas,
January 25, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 5, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PROFFER, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
January 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred Senate Bill 104, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
January 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill 54, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
January 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill 65, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANE, Chairman.

Austin, Texas,
January 26, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred Senate Bill 102, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Senate Resolution 22

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery, Mrs. Miller and her class from Robert E. Lee School of Austin, together with their principal, Mr. R. K. Isbell; and

Whereas, These students are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Bill Ordered Not Printed

On motion of Senator Bell, and by unanimous consent, Senate Bill No. 54 was ordered not printed.

Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following resolution:

H. C. R. No. 8, Commending the United States Navy for the undertaking and successful completion of their operation with the Naval Air Reserve from Texas.

Adjournment

On motion of Senator Weinert, the Senate at 11:20 o'clock a.m. today adjourned until 10:30 o'clock a.m. tomorrow.

TENTH DAY

(Thursday, January 27, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

Absent—Excused

Hardeman	Hudson
Harris	Weinert

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Phillips, and by unanimous consent, the reading of the Journal of the proceedings of yes-

terday was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Hardeman was granted leave of absence for today on account of importance business on motion of Senator Phillips.

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Bullock.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator McDonald.

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Strauss.

Reports of Standing Committees

Senator Bullock submitted the following reports:

Austin, Texas,
January 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 56, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
January 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred S. B. No. 52, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

BULLOCK, Chairman.

Senator Jones submitted the following report:

Austin, Texas,
January 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 87, have had same under consideration, and I am instructed to report it back to the